

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 08-2544 AHM (CWx)	Date	February 12, 2009
Title	WAYNE KRAEMER, v. UNOCAL TERMINATION ALLOWANCE PLAN, <i>et al.</i>		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
------------------------	-------------------------------------

Stephen Montes

Not Reported

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys **NOT** Present for Plaintiffs:

Attorneys **NOT** Present for Defendants:

Proceedings: IN CHAMBERS (No Proceedings Held)

The Court has reviewed the parties' briefs regarding the standard of review and discovery outside the administrative record.

The Court **ORDERS** Plaintiff's counsel to answer the following questions in a supplemental brief not to exceed 5 pages and supported by a sworn affidavit, to be filed no later than February 27, 2009.

(1) Paragraph 5 of Steven Croshal's declaration refers to 189 claims that he dealt with as Claims Administrator, of which 72 were granted and 122 were denied. Page 12 of the summary judgment order in *Stone v. Unocal Termination Allowance Plan* (S.D. Tex., Mar. 14, 2008) refers to 49 Unocal employees who filed for constructive discharge because of the elimination of their LTI, and whose claims were denied. Several points require clarification:

(a) Were the Administrator and the Appeals Committee referred to in the summary judgment orders in *Stone* and *Robertson v. Chevron Corp.* (W.D. Tex., Apr. 3, 2008) the same as the Administrator and Appeals Committee in this case, in terms of the individuals serving in those roles?

(b) Were the 49 claims referred to in *Stone* among the 189 that Croshal mentioned in his affidavit?

(c) Was Kraemer among the 49?

(2) Plaintiff's briefs referred to the members of the Appeals Committee that

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 08-2544 AHM (CWx)	Date	February 12, 2009
Title	WAYNE KRAEMER, v. UNOCAL TERMINATION ALLOWANCE PLAN, <i>et al.</i>		

handled his claim, but not by name or title. Defendants provided an affidavit from one Appeals Committee member, William Clutter. Who were the other two members?

(3) What is Plaintiff's response to Defendants' offer to stipulate that the parties may use all of the discovery developed in *Stone*?

(4) What discovery requests does Plaintiff anticipate propounding? And what does Plaintiff need that is not already within the *Stone* record?

The Court expects specific and precise answers to these questions. To that end, the Court ORDERS defense counsel to provide Plaintiff's counsel with a copy of the discovery in *Stone* (per its offer in the opposition brief, footnote 9) by February 19, 2009, if Plaintiff's counsel does not have a copy.

_____:_____
Initials of Preparer SMO
